

# SUPREME COURT



## SUPREME COURT



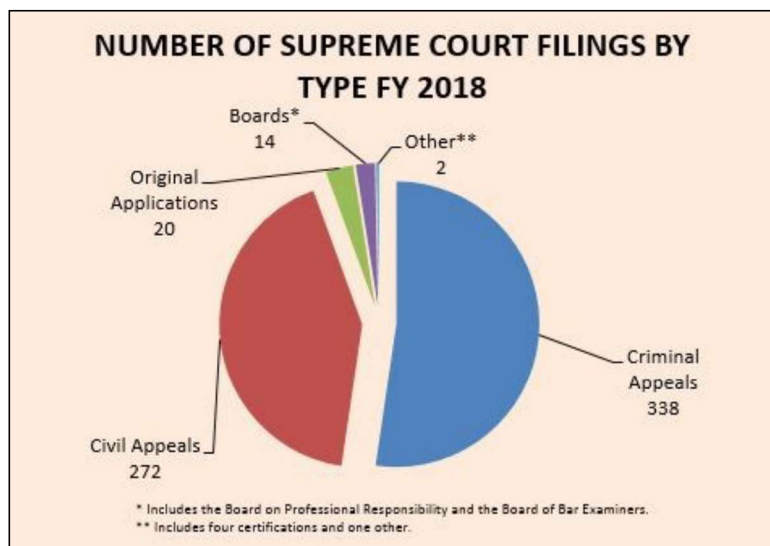
### CHIEF JUSTICE LEO E. STRINE, JR.

The Supreme Court made strides this past year to try to improve both the quality of practice and work life balance for legal professionals in the State. In response to a thoughtful report submitted to the Delaware Judiciary by distinguished trial lawyers from the Delaware Bar, the Court issued an Order that should improve in a measured, but meaningful, way the work life balance of Delaware lawyers. The order encourages all judges to be mindful of the impact that their scheduling decisions can have on the physical and emotional well-being of attorneys,

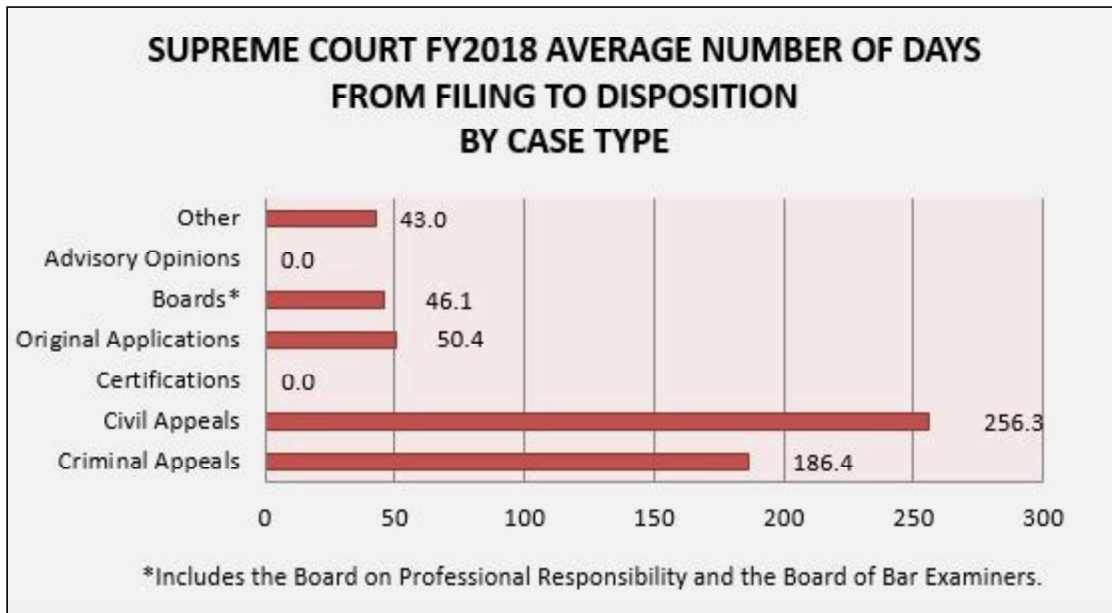
law firm support staff, and the clients they serve.

The Order directed those Courts to consider several best practices and policies related to court processes, filing deadlines, and scheduling that affect the lives of Delaware's busy legal professionals. The Order discouraged the imposition of filing due dates on Mondays or the day after a holiday in non-expedited matters, to give lawyers some breathing room on weekends and around holidays. The Judiciary was also urged to re-

frain from the issuance of non-expedited opinions after 4:00 p.m. as a general matter and after noon on Fridays so that lawyers don't have to spend precious off hours talking to clients about non-urgent decisions. The Judiciary was also asked to be considerate in scheduling oral arguments and trials in August (except in expedited matters or where there is an important reason for proceeding at that time) so that family vacations are not disturbed during the key school break of the year. The State



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Trial Courts are to report on their consideration of and progress on these issues by March 15, 2019.

The Court's order also directed the moving of the filing deadline for State Trial Courts from 11:59 p.m. to 5:00 p.m. in non-expedited cases, to ease the burden of the late filing deadline on Delaware attorneys and their support staff. The goal is to move away from the practice of working right up to the old 11:59 p.m. electronic filing deadline, a deadline that was not an intended one in the first place, but a happenstance of technology. The Order excepts expedited cases (even though parties in expedited cases almost always agree to exchange papers during the business day) and complaints to avoid statute of limitation issues.

Lawyers often work at home, after having dinner with the family, exercising, or taking kids to activities. When a brief is to be filed, however, a conscientious lawyer has to be in the office to touch and feel the product to be sent to the judge, and so does support staff. There is no rational reason to have this happen after hours in non-expedited filings. By aligning the filing deadline for non-expedited filings to the traditional workday, and the availability of staff, we hope to promote a better quality of life for everyone in our State's leading industry, allowing them more time to enjoy their families and focus on other important personal pursuits.

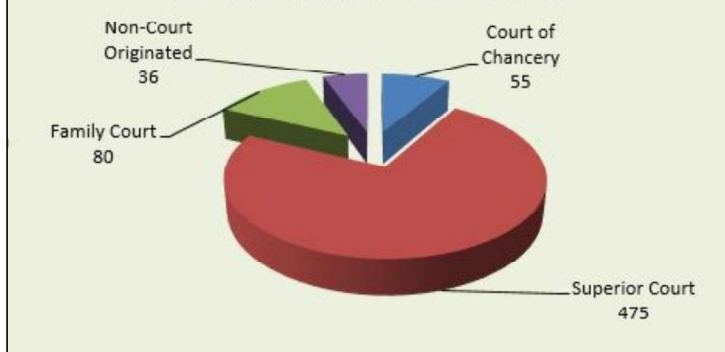
Improving public access to and understanding of the Supreme Court's appeal process has also been a priority for the Court. This past summer, a Supreme Court working group released a revised and updated self-help guide for citizens who represent themselves in matters before the Court without the benefit of an attorney. This "Citizen's Guide" is designed as a step-by-step guide for self-represented, or "Pro Se," litigants who wish to file an appeal to the Supreme Court. It explains the filing process using plain, non-legal, language wherever possible and includes all the forms necessary in an appeal, as well as links to additional helpful resources.

Consistent with its ongoing efforts to ensure that the public has good information about the work of the Court on the Judiciary and respects the integrity of its rulings, the Court made several amendments to that body's rules this year. Chief among them was an amendment to COJ Rule 5.1(b) which now requires the unanimous approval of the Chief Justice and two other Justices of the Supreme Court before a petitioner's complaint against a judicial officer can be dismissed without further proceedings. Before this amendment, Delaware was the only state that vested the ability to dismiss a judicial disciplinary claim with a sole judicial officer. The new approach will ensure that before any complaint is dismissed or allowed to

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**NUMBER OF SUPREME COURT FILINGS BY COURT OF ORIGINATION FY 2018**



proceed, it is subjected to scrutiny by a panel of three Justices so that there is a deliberative process as in other cases. Justices can help each other come to a sound decision, and complainants are assured they have had a review akin to other cases. For these same reasons, the rule provides that if any member of the panel believes a deeper review is needed, the complaint will be referred for a preliminary investigation in accordance with the rules.

The Court's traditional commitment to the timely disposition of the cases before it continued in Fiscal Year 2018. The Court received 646 new appeals and disposed of a total of 583 cases by opinion, order, or dismissal. Appeals were decided on average of 30 days from the date of submission to the date of final decision. In 99% of the appeals decided in FY 2018, the Court met the standard for the Delaware Judiciary for

deciding cases within 90 days of the date of submission. The Court also met its performance measure for the disposition of 99% of all cases within 290 days of the filing of a notice of appeal, and disposed of 100% of all cases within a one-year timeframe.

This fall, the Supreme Court bade a fond farewell to Gayle P. Lafferty, Esquire, who served the Court with great distinction and dedication for more than twenty-five years. As the Court's Chief Staff Attorney, Gayle supervised the small team of staff attorneys that assist the Court with its daily legal duties. Her institutional knowledge and encyclopedic memory made Gayle the "go to" person for questions about the Court. Her expertise in criminal law, professional ethics and appellate practice also made her a natural leader on a myriad of committees and working groups that addressed a wide range of legal issues over the course of her tenure with the Court. The Court wishes Gayle all the best as she transitions from State service.

We are fortunate that another accomplished Court employee, Katherine J. Neikirk, Esquire, accepted the Court's appointment, and will serve as our new Chief Staff Attorney. In addition, another respected attorney, Christine T. DiGuglielmo, Esquire, has been hired to fill the vacancy created by Katherine's well-deserved promotion. ♦

**SUPREME COURT FILINGS & DISPOSITIONS BY FISCAL YEAR**



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## Supreme Court Justices

*Standing left to right:*

Justice Collins J. Seitz, Jr.  
Justice Karen L. Valihura  
Chief Justice Leo E. Strine, Jr.  
Justice James T. Vaughn, Jr.  
Justice Gary F. Traynor



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## IN MEMORIAM

### The HONORABLE ANDREW G. T. MOORE II



Justice Andrew G. T. Moore II, 83, served on the Delaware Supreme Court from 1982 until 1994. Justice Moore was an iconic figure in American corporate law. At a critical time when Delaware law needed to innovate to address the takeover boom of the 1980s, Justice Moore crafted opinions that secured Delaware's role as the forum where all parties knew they would get a fair hearing and a sensible result at the speed demanded by the business world. To this day, his decisions in *Unocal Corp. v. Mesa Petroleum Co.* and *Aronson v. Lewis* are required reading in any corporate law class in the United States. And his commitment to improving our judiciary in areas like family and criminal law continues to pay off in ways that still benefit Delawareans.

Justice Moore was born in New Orleans and graduated from Tulane University with degrees of Bachelor of Business Administration and Juris Doctor. The future Justice then served as a law clerk to then-Delaware Supreme Court Chief Justice Charles L. Terry, Jr. and practiced law in Wilmington for 18 years, primarily in corporate litigation before he was appointed as a Justice in May 1982 by Gov. Pierre S. du Pont IV.

During his tenure on the court, in addition to the many rulings he wrote that attracted national interest, Justice Moore was instrumental in helping the Lawyer's Guidance Committee of the Delaware State Bar Association provide meaningful assistance to the lawyers in need of its aid. Justice Moore was also among those that helped create a program called Delaware IOLTA (Interest on Lawyer's Trust Accounts) that has provided millions of dollars in aid to poor people who needed legal assistance.

After leaving the bench, Justice Moore joined the investment banking firm of Dresdner, Kleinwort, Wasserstein, Inc. as a Senior Managing Director and Senior Advisor. From 2010 until 2017, Justice Moore was a Director in the Wilmington office of the Law Firm Gibbons P.C. Justice Moore is survived by his wife Betsy, his daughter Marianne Moore Viceconte, her husband Chris Viceconte, two grandchildren, a number of nieces and nephews and a sister Hetsy Pickard (Kevin).